

**1.2 56-58 & 62 CLAYTON ROAD, CLAYTON
CONSTRUCTION OF A THREE STOREY APARTMENT BUILDING WITH BASEMENT
AND ROOFTOP TERRACE
(TPA/51802)**

EXECUTIVE SUMMARY:

This application proposes the construction of a three storey building containing twenty three (23) apartments above a basement car park.

The application was subject to public notification. No objections to the proposal have been received.

Key issues to be considered relate to landscaping opportunities, visual bulk and impacts to existing canopy tree planting in the Carlson Avenue Reserve.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework and Clause 55.

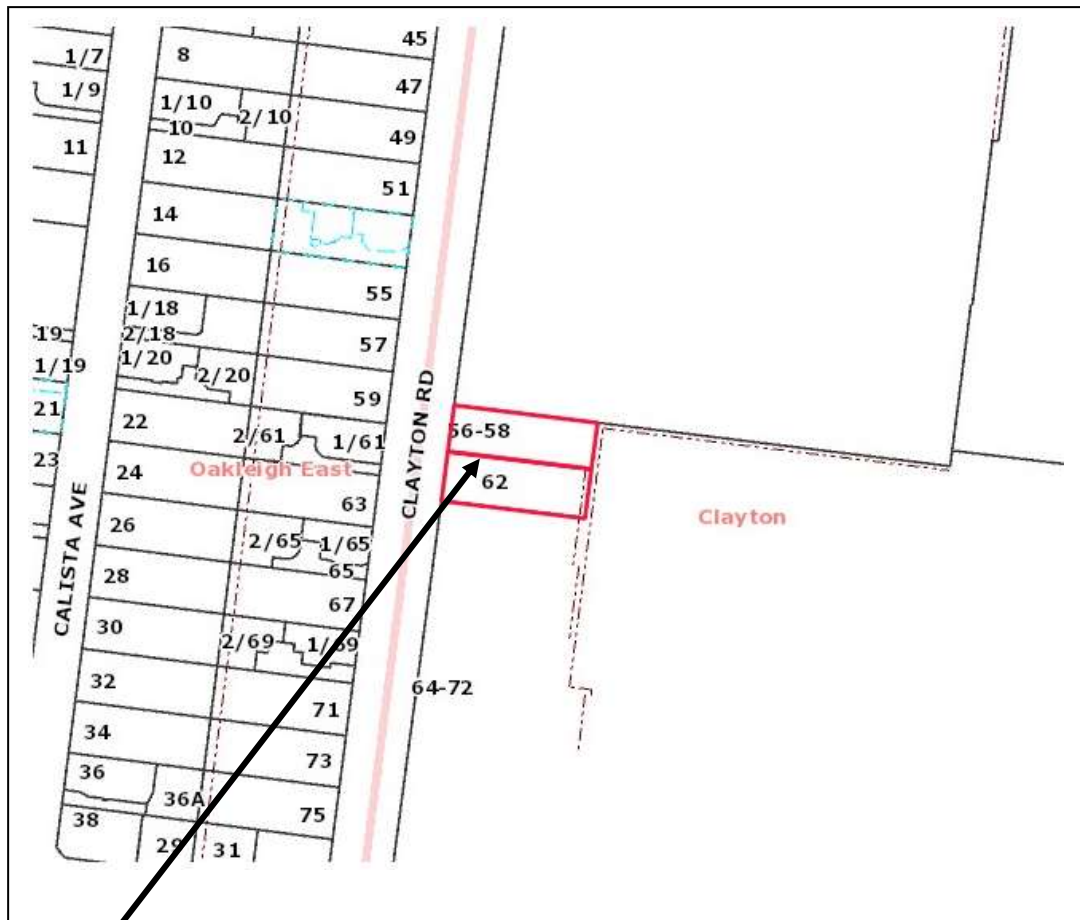
The reason for presenting this report to Council is the proposed development cost of \$9.0 Million.

The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council resolve to Grant a Planning Permit.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Anne Maree Roberts
WARD:	Oakleigh
PROPERTY ADDRESS:	56-58 & 62 Clayton Road, Clayton
EXISTING LAND USE:	Vacant lot and one dwelling
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Nil
ZONING:	General Residential Zone, Schedule 6
OVERLAY:	None
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.01-1R- Settlement – Metropolitan Melbourne	<u>Local Planning Policy Framework</u> Clause 21- Municipal Strategic Statement) Clause 21.04- Residential Development

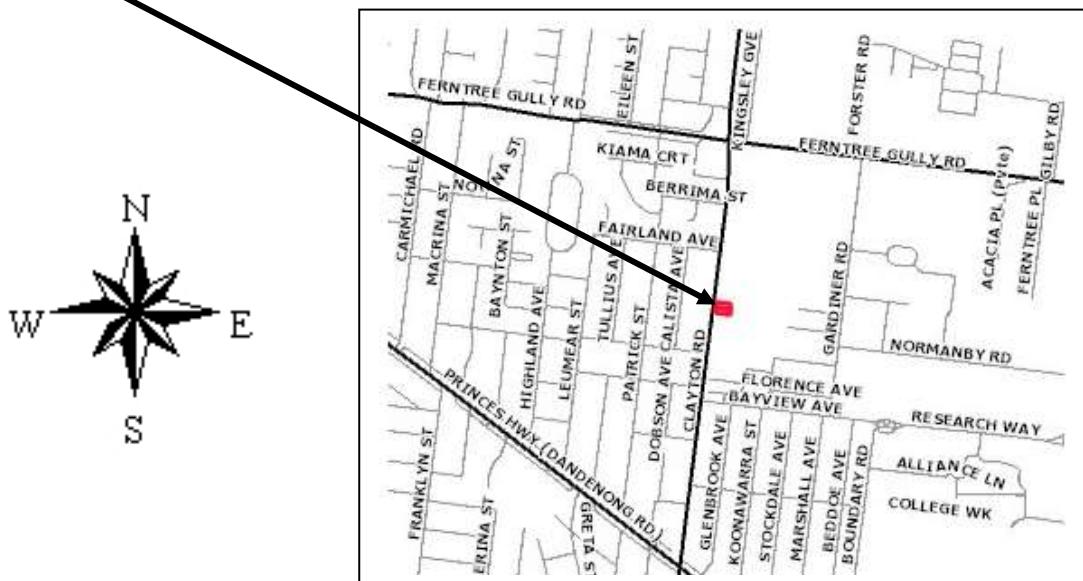
<p>Clause 11.02-1S- Supply of Urban Land</p> <p>Clause 15.01-1S&R- Urban Design</p> <p>Clause 15.01-2S- Building Design</p> <p>Clause 15.01-4S & R- Healthy Neighbourhoods</p> <p>Clause 15.01-5S- Neighbourhood Character</p> <p>Clause 15.02-1S- Energy and Resource Efficiency</p> <p>Clause 16.01-1S &R- Housing supply</p> <p>Clause 16.01-2S- Housing affordability</p> <p>Clause 18.02-1S & R- Sustainable Personal Transport</p> <p>Clause 18.02-2R– Principal Public Transport Network</p> <p>Clause 18.02-4S- Car Parking</p> <p>Clause 19.03-3S- Integrated Water Management</p>	<p>Clause 21.08- Transport and Traffic</p> <p>Clause 21.10 – Open Space</p> <p>Clause 21.13- Sustainability and Environment</p> <p>Clause 22.01- Residential Development and Character Policy</p> <p>Clause 22.05 – Tree Conservation Policy</p> <p>Clause 22.13- Environmentally Sustainable Development Policy</p> <p><u>Particular Provisions</u></p> <p>Clause 52.06- Car Parking</p> <p>Clause 52.29- Alter access to Road Zone Category 1</p> <p>Clause 53.18- Stormwater Management in Urban Development</p> <p>Clause 55- Two or more dwellings on a lot and residential buildings</p> <p>Clause 65 – Decision Guidelines</p>
STATUTORY PROCESSING DATE:	26 December 2021
DEVELOPMENT COST:	\$9,000,000

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to **Grant a Planning Permit (TPA/51802)** for the construction of a three storey apartment building with basement and alteration of access to a road in a Road Zone Category 1 at 56-58 & 62 Clayton Road, Clayton subject to the following grounds:

Amended Plans Required

1. Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by Rothe Lowman Architects dated 8 September 2021, Revision F but modified to show:
 - a) Reduction of the basement footprint in the north east corner of the site, with the deletion of two resident car parking spaces from the basement. The corresponding decking area at the ground floor is to be reduced and replaced with landscaping.
 - b) Deletion of the four bicycle parking spaces at the northern end of the frontage.
 - c) Dimensions of all facades from side and rear boundaries.
 - d) Dimensions of all decks and balconies.
 - e) The proposed services structure designed to be integrated into the site, using materials which help blend the structure into the building's architecture.
 - f) A Landscape Plan in accordance with Condition 3 of this Permit.
 - g) A Tree Management Plan in accordance with Condition 4 of this permit
 - h) A Sustainable Management Plan in accordance with Condition 6 of this Permit.
 - i) A Waste Management Plan in accordance with Condition 7 of this Permit.
 - j) An Acoustic Report in accordance with Condition 8 of this Permit.

All to the satisfaction of the Responsible Authority

Layout not to be Altered

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Landscape Plan

3. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Plan prepared by Site Image dated October 2020, except that the plan must be modified to show:
- a) The revised layout of the development including reduction of the basement footprint required under Condition 1;
 - b) Details of creepers to the planter on the northern side of the vehicle access ramp which can cascade over and grow down the retaining wall;
 - c) Details of the vertical planting applied to the elevations.
 - d) A minimum of eight (8) canopy trees with a minimum height of 1.5 metres tall when planted. The canopy trees must have a minimum height of 10 metres at maturity, or as otherwise agreed by the Responsible Authority.

Tree Management Plan

4. Concurrent with the submission of amended plans required by Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Tree Nos. 74, 75, 77 and 78-100 (as identified in the Arborist Report prepared by Treemap dated September 2022).

The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- a) A Tree Protection Plan drawn to scale that shows:
 - i. Details of root investigations undertaken in relation to Trees 79-90 adjacent to the southern boundary.
 - ii. Tree protection zones and structural root zones of all trees to be retained,
 - iii. All tree protection fenced off areas and areas where ground protection systems will be used;

- iv. The type of footings within any tree protection zones;
 - v. Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
 - vi. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
- b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
 - c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
 - d) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

Construction Management Plan

- 5. Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:
 - a) Hours for construction activity in accordance with any other condition of this permit
 - b) Appropriate measures to control noise, dust and water and sediment laden runoff;
 - c) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - d) Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;

- e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network;
- f) A program for the cleaning and maintaining surrounding road surfaces;
- g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
- h) Measures to provide for public Safety and site security;
- i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- j) A Traffic Management Plan showing truck routes to and from the site;
- k) A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- l) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;
- m) The provision of contact details of key construction site staff; and
- n) Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)
 - No works are permitted on Sundays or Public Holidays.

The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with by all contractors to the satisfaction of the Responsible Authority.

Sustainable Management Plan

6. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainability Management Plan prepared by WRAP Engineering Pty Ltd Dated 3 July 2020 (Revision 3), except that the plan

must be modified to show any changes required by Condition 1 of this permit.

Upon approval the Sustainable Management Plan will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority.

Waste Management Plan

7. Concurrent with the endorsement of any plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by Leigh Design dated 8 July 2020, but showing to the satisfaction of the Responsible Authority:
 - a) Purpose as stated in the City of Monash MUD and Commercial Developments WMP Guide for Applicants;
 - b) The Town Planning Application Number and existing land use;
 - c) Detail of waste management of communal spaces such as rooftop area, foyer and library;
 - d) Access route to waste room for occupiers;
 - e) The location of hard and electronic waste within waste storage area;
 - f) Waste vehicle collection point;
 - g) Site plans to be marked up to indicate cleaning / washing facilities, drainage to sewer and screening or odour control;
 - h) The amended development and site layout; and
 - i) Any other changes as required by Condition 1.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

8. Concurrent with the endorsement of plans pursuant to Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must demonstrate that the development meets the following noise levels for all north facing apartments in accordance with Standard D16 of Clause 58.04-3:
 - Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

Environmental Site Assessment Report

9. The removal of fill material must be undertaken in accordance with the Soil Classification Report prepared by Compass Environmental dated 30 October 2020.
10. An inspection must occur following the removal of fill by Compass Environmental or any other qualified persons to confirm that the fill has been successfully removed and the underlying natural soils are free of impacts.

Removal of Street Tree

11. The existing street tree will be removed and replaced by Council at the cost of the developer prior to the commencement of the development.

Drainage and Stormwater

12. The site must be drained to the satisfaction of the Responsible Authority.
13. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
14. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing, or any alternate system.

Car Parking and Driveways

15. Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed to the satisfaction of the Responsible Authority;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
 - d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
 - e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

16. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
17. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.
18. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.

Plant / Equipment or features on roof

19. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Service Location

20. Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.

Department of Transport Conditions (Ref PPR 33726/20)

21. Prior to commencement of the buildings and/or works amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted for the assessment, but modified to show:
 - a) The location and dimensions of the width of the proposed crossover along Clayton Road.
 - b) The location and dimensions of the passing area along the frontage of the subject site.
 - c) The location of the security gate and warning signal associated with the development.
 - d) Landscaping within 2.5 metres along the driveway to be no more than 900mm in height.
 - e) The removal of redundant vehicle crossings along Clayton Road and reinstatement of the existing kerb and channel.
 - f) Prior to commencement of the buildings and/or works, all disused or redundant vehicle crossings must be removed, and the area

reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria

22. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be setback a minimum of 6 metres inside the property boundary to allow vehicles to store clear of the Clayton Road pavement and footpath.
23. All vehicles must enter and exit the site in a forward direction at all times.

Satisfactory Continuation and Completion

24. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time for Starting and Completion

25. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- a) The development is not started before 2 years from the date of issue.
- b) The development is not completed before 4 years from the date of issue.

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or

- i. within six (6) months afterwards if the development has not commenced; or
- ii. within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

NOTES:

- A. Building Permit approval for the works must be obtained prior to the commencement of the approved works.
- B. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- C. Council's Horticultural Department must be contacted regarding the removal of the street tree proposed.

- D. Any residents of the approved development will not be entitled to car parking permits for on street car parking.
- E. Engineering permits must be obtained for new or altered or removal of vehicle crossings, works within the Road Reserve and for connections to Councils drains / Council pits / Kerb & Channel and these works are to be inspected by Council.
- F. Prior to the issue of a building permit, the owner must obtain the consents of all relevant authorities for any buildings or works, including any paving, fences and landscaping, over any easement or underground services under the control of a public authority including sewers, drains, pipes, wires or cables
- G. Department of Transport - The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works

BACKGROUND:

History

There is a drainage and sewerage easement (1.83m) running across the rear boundary of No 62 Clayton Road. Planning permit TPA/51739 was issued on 2 September 2020 allowing the removal of this easement. There are no other restrictions on title.

The Site and Surrounds

The site is located on the eastern side of Clayton Road approximately 500 metres south of Ferntree Gully Road and 780 metres north of Dandenong Road. The site is made up of two allotments (lot 1 on TP256201 known as 56-58 Clayton Road and lot 1 on TP86366 known as 62 Clayton Road) and combine to form a generally rectangular block with a frontage is 30.48m, depth of 45.72m and an overall area of 1,393.5m².

The land at 56-58 Clayton Road appears to have previously been used in association with the land to the north at 34-54 Clayton Road (for storage purposes).

The site is generally flat. The northern half of the site is known as 56-58 Clayton Road and is currently vacant. Council's aerial photographs and records show that the land was previously used for the storage of goods and for car parking in association with the industrial and warehouse use at the adjoining property to the north at 34-54 Clayton Road. The southern half of the site is known as 62 Clayton Road and is currently developed with a single storey brick veneer dwelling with

hipped tiled roof. There is an existing crossover and associated driveway along the northern boundary to No 62 Clayton Road leading to a garage located at the rear of the site. Three street trees are located across the frontage and there is no significant vegetation on the site.

The site is located within the Housing Growth Area – Clayton Activity Centre and Monash National Employment Cluster.

Surrounding development is mixed but generally low rise, low density residential to the west and further south of Clayton Road and commercial and industrial to the north and further east. The area is experiencing change as a result of the locational opportunities and policy settings.

The adjoining properties are developed as follows:

- **North:** The land at 34-54 Clayton Road is a large site with a land area of 37,680sqm within the Special Use Zone and developed with various office and warehouse buildings and in the same ownership as the subject site. Immediately adjoining the subject site is a driveway leading to an industrial building. A Planning permit application has been submitted (TPA/51900) seeking the staged construction of eight (8) buildings across the site, ranging in height from 3 storeys to 13 storeys. The proposed land uses are to include office, residential hotel, food and drinks premises (café), restricted retail facility (gymnasium), retail/restricted retail premises and childcare centre. A proposed hotel would be the closest building to the subject land. The application has been advertised and will be reported to a future meeting of Council for a decision.
- **South and East:** Carlson Avenue Reserve. A large public open space, inclusive of sporting ground, tennis courts, associated change room facilities and car parking. There is a row of established significant trees along both boundaries of the reserve that adjoin the site. An Integrated Site Plan (ISP) has been prepared for Carlson Reserve to upgrade facilities within the reserve, and funding has recently been provided for Stage 1.
- **West:** Across Clayton Road and the wider area is residential development comprising of the original single storey detached dwellings with more recent double storey multi dwelling developments.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

PROPOSAL:

The application is seeking approval for the construction of a three storey residential building with a basement.

Amended plans were submitted to address concerns raised. These plans deleted the lower level of dwellings and reduced the number of apartments to twenty three (23). The plans also propose a minor reconfiguration of ground floor

dwellings, including an increase to the secluded private open space of each dwelling, reconfiguration of basement car parking and additional landscaping opportunities.

The proposal under those amended plans is summarised as follows:

- A total of twenty three (23) apartments. The arrangement includes 6 x one-bedroom apartment and 17 x two-bedroom apartments.
- Twenty four (24) resident car spaces (noting that there is no car space No. 13 within the basement), five (5) visitor car spaces within the basement car park alongside waste storage facilities and twenty three (23) residential bicycle spaces and storage areas.
- The height of the building is 11.5 metres to the parapet with lift overrun, services and roof terrace above.
- A communal roof top terrace (230 square metres) is to be provided as common property.
- At ground floor there is a communal library.
- The ground floor apartments are provided with a terrace and secluded open space area. Apartments on the first and second floors are provided with balcony space ranging in size from 8 square metres to 20 square metres.
- The building will be primarily finished in pre-cast concrete/render, with some areas of steel sheeting and timber panelling.
- The building has a ground floor front setback from Clayton Road of 7.25 metres, with vehicle access to the basement along the southern boundary.
- A fence with a height of 1.7 metres will be recessed 4.5 metres across part of the frontage.
- A site coverage of 59%, permeability of 17% (due to the basement) and garden area 35% is proposed.

Proposed Setbacks

	Front (West)	Rear (East)	Side (North)	Side (South)
Basement	4.5 m-13.1 m	Zero -5.8 m	Zero- 4.65m	Zero
Ground Level	7.25 m	4 m	3 m- 4 m	3 m-4.5 m
Level 1	6.8 m-7.25 m	3.8 m-4 m	3 m- 4 m	2.5 m-4.4 m
Level 2	5.8 m-7.25 m	3.4 m-4 m	2.5 m-4 m	2.5 m-4.4 m
Roof deck	12.55 m	7.5 m	7.5 m	6.0 m

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

The site is located within the General Residential Zone, Schedule 6. Pursuant to Clause 32.08-6, a Permit is required to construct two or more dwellings on a lot.

Clause 32.08-10 identifies that the building height must not exceed 11.5 metres and must contain no more than 3 storeys at any point. The proposal has a maximum height of 11.5 metres and is three storeys (excluding balustrades, lift overrun and other items exempted from the definition of 'building height'). The proposed basement will not sit greater than 1.2 metres above natural ground level and therefore complies with this requirement.

Clause 32.08-4 identifies that the mandatory minimum garden area for the site is 35%. The garden area proposed is 35% and therefore complies with this requirement.

A development must meet the requirements of Clause 55.

Overlays

The site is not affected by any overlays.

Particular & General Provisions

Clause 52.06- Car Parking

Pursuant to Clause 52.06-3 (Car Parking), a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

Clause 52.06 requires 27 car spaces to be provided on the land (23 for occupants plus 4 for visitors). As 29 car spaces have been provided and allocated appropriately, a reduction is not sought by this application.

Clause 52.29- Land Adjacent to a Road Zone, Category 1

Pursuant to Clause 52.29-2, a permit is required to create or alter access to a road in this zone. Referral to Department of Transport is required pursuant to Section 55.

Attachment 3 details the zoning applicable to the subject site and surrounding land.

CONSULTATION:

The application was originally seeking approval for the construction of a four storey residential building for thirty (30) apartments and two basement levels. The proposal comprised three storeys of residential development above ground, a lower ground level of residential and basement carpark. The applicant was also seeking a reduction in the car parking requirement of the Planning Scheme to provide visitor parking on site.

The applicant has been in ongoing discussion with Council Officers regarding the unsatisfactory proposal in relation the poor internal amenity for future occupants of the lower ground floor apartments and the inadequate landscaping

opportunities due to the excessive size of the basement. Concern was also raised regarding the potential impacts to the Council trees in the Carlson Avenue Reserve along the southern and eastern boundaries.

Several amendments to the proposal have been submitted reducing the number of apartments but retaining the lower level for residential use. The applicant has been advised on numerous occasions that a lower level for residential use is considered a compromised design for the site. In addition, the excessive size of the basement did not allow for a landscaping response as sought by the zone. It was confirmed in writing that the application would be recommended for Refusal.

On 26 October 2021, the application was formally amended to delete the lower level of dwellings and reduce the number of apartments to twenty three (23). The plans also propose a minor reconfiguration of ground floor dwellings, including an increase to the secluded private open space of each dwelling, reconfiguration of basement car parking and additional landscaping opportunities.

The Applicant has been formally advised that this application was coming to the November Council meeting and a letter has been sent advising them of the details of the Council meeting.

The Applicant has been verbally advised that this application is recommended for approval subject to conditions, and an outline of the conditions on the proposal has been explained

Public Notice

The original application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by sending notices to the surrounding property owners/occupiers, and displaying a sign on Clayton Road.

No objections were received.

The amended application, received in October 2021, was not advertised as the number of apartment units were reduced, car parking was satisfactory and there was a reduction to the building envelope.

Referrals

External Referral

Department of Transport (REF: PPR 33726/20)

The application was required to be referred to the Department for alteration to the vehicle access to a Road Zone, Category 1. The Department advised of no objection subject to the inclusion of conditions requiring minor modification.

Internal Referrals

Transport

The application was referred to Council's Transport Engineers who had no concerns with the proposal subject to the inclusion of a number of standard conditions.

Drainage

Council's drainage engineers have raised no concerns, subject to standard conditions including submission of a drainage plan for approval.

Waste

Council's Waste Services advise that the submitted Waste Management Plan requires amendment to meet all Council's requirements. These changes have been included as proposed conditions.

Recreation and Open Space

Council's Recreation Services raised concerns with the layout of the development and impacts to the Carlson Reserve. Specific concerns related to potential impacts to trees within the Reserve which are in close proximity of the proposed basement and visual impact of the building.

Horticulture

Council's Horticultural Services have reviewed the impact of the development on the street trees along Clayton Road, as well as the trees located along the southern and eastern boundaries of the site within Carlson Reserve.

The crossover to the basement located at the southern end of the frontage will require the removal of street tree that has been identified as healthy.

In relation to the trees located within the Reserve, it was recommended that no excavation should occur within 3m from the trees located 2m from the southern boundary, otherwise removal would be required. No unreasonable impacts are expected to the trees along the rear (east) boundary where setbacks exceeding 5m are provided.

DISCUSSION:

Consistency with State and Local Planning Policies

Planning Policy Framework (PPF)

"Plan Melbourne: Metropolitan Planning Strategy 2017-2015" is the Metropolitan Strategy that planning authorities must consider when assessing applications for planning permits. The key directions that are of particular relevance to the proposal are to:

"Understand and plan for expected housing needs."

“Reduce the cost of living by increasing housing supply near services and public transport.”

“Facilitate the supply of affordable housing.”

Initiatives are to locate a substantial proportion of new housing in or close to locations that offer good access to services and transport and employment areas.

Plan Melbourne Refresh also identifies places of state significance and places of local significance. Within the City of Monash, the main place of state significance is the Monash National Employment and Innovation Cluster (MNEIC). National employment and innovation clusters are designated geographic areas with concentrations of economic activity that currently make major contributions to the national economy and Melbourne’s position as a global city and will be supported into the future. The MNEIC is Melbourne’s largest established cluster, representing the largest concentration of employment outside the central city with a critical mass of leading education, health, research and commercial facilities, and existing industrial businesses.

The subject site is located on the northern edge of the Monash National Employment and Innovation Cluster and Clayton Activity Centre, within the Housing Diversity Area. It sits 2.3km from the Clayton Railway Station, and with a bus route between Box Hill and Clayton Railway Stations, via Monash University and therefore is well serviced by public transport, amenities and services. It is an appropriate location for higher density development to provide increased diversity of housing and supports the continued growth and diversification of the activity centre.

Clause 11.02-1S (Supply of Urban Land) seeks:

“To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.”

Further to this, Clause 15.01-2S specifies the urban design principal for residential developments. The objective seeks to:

“Achieve building design outcomes that contribute positively to the local context and enhance the public realm.”

Clause 16 of the Monash Planning Scheme seeks to increase the proportion of new housing in designated locations within established urban areas, on sites that are well located in relation to jobs, services and public transport. It also seeks to create mixed use neighbourhoods at varying densities that offer more choice in housing type.

Housing policy at Clause 16.01 -1R seeks to:

“Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities

in locations that are.....areas for residential growth....areas designed as National Employment and Innovation Clusters, metropolitan activity centres and major activity centres, neighbourhood activity centres especially those with good public transport connections, areas near existing and proposed railway stations that can support transport-oriented development.”

The proposed three storey apartment building is in keeping with the aspirations of the Planning Policy Framework.

Local Planning Policy Framework (LPPF)

The Municipal Profile (Clause 21.01) reiterates the themes in the Planning Policy Framework which seeks to accommodate growth by directing more intensive, higher scale development to activity centres that are well serviced by public transport, commercial, recreational, community and educational facilities. However, it identifies that the scale of any development must be reflective of the character of the Activity Centre and contribute to Monash’s Garden City Character. The garden city character and urban landscape of Monash is a fundamental element of the Municipal Strategic Statement and a key element of the community’s sense of place and the ability to maintain an attractive, liveable and resilient city.

Clause 21.04 (Residential Development) identifies the site as being residential land within the Monash National Employment and Innovation Cluster as defined in the Residential Development Framework Map. Key objectives of this policy (as relevant) are as follows:

- *To locate residential growth within neighbourhood and activity centres, the Monash National Employment Cluster and the boulevards (Springvale Road and Princes Highway) to increase proximity to employment, public transport, shops and services. This will assist to preserve and enhance garden city character and special character in the balance of the municipality.*
- *To encourage the provision of a variety of housing types and sizes that will accommodate a diversity of future housing needs and preferences that complement and enhance the garden city character of the city.*
- *To recognise the need to conserve treed environments and revegetate new residential developments to maintain and enhance the garden city character of the municipality.*
- *To recognise and provide for housing needs of an ageing population in proximity to neighbourhood and activity centres.*
- *To encourage a high standard of architectural design in buildings and landscaping associated with residential development that takes into account environmentally sustainable development.*

Clause 21.10 (Open Space) identifies that Monash has extensive areas of open space including 244 hectares of passive open space. Key Strategies include to:

- *Improve and add variety to open space areas through the addition of playgrounds, exercise and training equipment, community gardens, landscaping, pathways and other components where appropriate.*
- *Protect open space areas from inappropriate development on adjoining and nearby land.*
- *Ensure that all new development contributes towards the maintenance or development of new open space areas that are safe, accessible and vibrant or provides adequate good quality open on site for users of the development.*

Clause 22.01 (Residential Development and Character Policy) applies to all residential land within the City of Monash. The site is included within the 'Garden City Suburbs Southern Areas.' The character precinct for this area recognises that new housing will generally comprise multi dwelling developments such as units and where appropriate, for example larger sites, low rise apartments. New developments will be designed and constructed to a high standard, ensuring they are well landscaped and retains the "open landscape character."

The development of a three storey apartment building is in keeping with the objectives of the local policy framework, which encourages housing growth in this location.

Clause 22.05 – (Tree Conservation Policy) applies to all land in Monash with key objectives in maintaining and enhancing the Garden City Character of Monash and ensuring new development provides for new canopy trees with spreading crowns. It is policy that:

- *Existing semi-mature and mature canopy trees be retained wherever possible to ensure maintenance of the tree canopy.*
- *Existing street trees be retained and protected.*
- *Semi-mature canopy trees with spreading crowns be planted as part of any new development, in open space areas, along boundaries adjacent to neighbouring open space and in front setback areas to reinforce the Garden City Character of the area.*

Clause 22.13 (Environmentally Sustainable Development Policy) provides a framework for early consideration of environmental sustainability at the building design stage. For a development of 10 or more dwellings, a Sustainability Management Plan is required to be prepared and submitted. A Sustainability Management Plan for the original development was prepared by WRAP Consulting Engineering Pty Ltd indicating that the proposal achieves best practice. This report will need to be updated to reflect the modified layout and reduction in the building envelope and can be addressed as a permit condition.

It is noted that the site is not located within the Clayton Activity or Precinct Plan Area.

General Residential Zone, Schedule 6

The site is located within the General Residential Zone, Schedule 6 which applies to the Monash National Employment and Innovation Cluster and Clayton Activity Centre.

The Zone seeks, among other things:

- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

The Neighbourhood Character Objectives identified in the schedule include:

- *To facilitate housing diversity in the form of units, townhouses and apartment developments of high quality design and finish.*
- *To provide an interface between the Clayton Activity Centre, the Monash Employment and Innovation Cluster, the housing growth area and the lower scale surrounding garden city suburban areas.*
- *To encourage development that respects sensitive residential interfaces and minimises building mass and visual bulk in the streetscape through landscaping in the front setback and breaks and recesses in the built form.*
- *To promote the preferred garden city character by minimising hard paving throughout the site by limiting the length and width of accessways and limiting paving within open space areas.*
- *To ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees.*

The schedule to the zone includes a number of variations to ResCode as follows:

	Clause 55 Variation	Assessment
Minimum Street Setback (B6)	Walls of buildings should be set back at least 4 metres from the front street.	<u>Complies</u> The building is set back a minimum of 7.2 metres which complies with this variation.
Landscaping (B13)	New development should provide or retain: <ul style="list-style-type: none"> • At least one canopy tree, plus one canopy tree per 5 metres of site width; • A mixture of vegetation including indigenous species; • Vegetation in the front, side and rear setbacks; and • Vegetation on both sides of accessways. A canopy tree should reach a mature height at least equal to the maximum building height of the new development.	<u>Complies</u> The site should sustain seven canopy trees based on a frontage of 30 metres. A total of eight (8) canopy trees are proposed across the site. It is considered there is potential to reduce the basement and provide additional area for deep soil planting.

Side and Rear Setbacks (B17)	<p>A new wall not on or within 200mm of a rear boundary should be set back at least 4 metres.</p> <p>Side setback requirements in accordance with standards A10 and B17 continue to apply.</p>	<p><u>Does not comply</u> The minimum rear setback proposed is 3 metres.</p> <p>Side and rear setbacks do not comply with B17. The third floor along both sides is to be setback minimum of 2.5 metres at a height of 10.8m above natural ground level. B17 sets out a requirement for a 5.9m setback.</p>
Private Open Space (B28)	<p>A dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> • An area of 50 square metres, with one part of the private open space to consist of secluded private open space at the side or the rear of the dwelling or residential building with a minimum area of 35 square metres, a minimum dimension of 5 metres and convenient access from a living room; or • A balcony or roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. 	<p><u>Does not comply</u> Three of the ground floor apartments have a ground floor area less than 50 square metres but areas provided relate to the living areas of the dwellings. Eight apartments have a balcony with an area of less than 10 square metres but all spaces are connected to the living areas.</p> <p>Communal spaces provided as a library space at ground floor and a roof terrace area.</p>
Front Fence Height (B32)	<p>A front fence within 3 metres of a street should not exceed 0.9 metres in height.</p>	<p><u>Complies</u> A front fence to a height of 1.7 metres is proposed but is setback 4.5m from the frontage.</p>

Areas of non-compliance will be discussed in the assessment below.

ASSESSMENT

Neighbourhood Character

The proposed contemporary architecture is considered suitable in the context of this site. The articulation of the building provided by variation, the balcony spaces and selected use of materials, by presence of both colour and texture, is generally acceptable. The front setback of over 7 metres allows for a larger landscape frontage than 4 metre front setback permitted under the Schedule to the zone.

The third level side setbacks being 2.5 metres in lieu of 5.9 metres as required by Standard B17, are considered reasonable in this location as the site does not have any residential interfaces, adjoins the Carlson Reserve along the southern and eastern boundaries and a large commercial site to the north. Along both the

southern and eastern boundaries of the Reserve are a row of mature Council trees that will reduce any negatives impacts through presentation of bulk and overshadowing to a public space and impact the public realm.

The proposed basement car park ensures car parking will not to be visible from the street, provides for an efficient use of the land, a higher density of dwellings and provides an expected design outcome for an apartment building. However, the design and area of the proposed basement car park is excessive, extending to the full length of the southern boundary and almost the full length of the rear boundary. There are setbacks provided along the northern and front boundary to provide for canopy tree planting. Council's Arborist has advised that the southern extent of the basement has the potential to severely impact the trees located within the Carlson Reserve approximately 2m from the boundary.

The Arborist report provided by the applicant has identified that four of the six trees are already affected by a level of encroachment by the existing dwelling and the proposed additional encroachment from the basement *"is unlikely to cause any significant harm to these trees, provided that appropriate management is specified for these trees during demolition and construction."* The report considers that two trees known as 79 and 83 will be exposed to a major level of encroachment (14.322% and 16%) with the proposed works and has recommended that the design is modified to avoid more than 10% Tree Protection Zone encroachment or root investigations are undertaken to determine the presence or absence of roots within the Tree Protection Zones.

In response, the applicant has acknowledged of the need to protect the health of existing vegetation within the Reserve to the south and believes this can be managed by permit conditions. It is considered this is a reasonable approach and subject to permit conditions requiring root investigation by qualified arborist, would address this issue. The applicant is also aware that the in the event additional area is required to protect vegetation, the alignment and configuration of the basement will require modification.

A key standard of Rescode in Clause 55.07-4 is that developments should provide a landscape layout that *"Maximise deep soil areas for planting of canopy trees."* In this case the original plans provided a total of 7.5% of the site area (with a minimum dimension of 3 metres) of deep root planting is to be provided, with 1 medium tree (8-12 metres in height) per 50 square metres of deep soil and satisfied the minimum standard. The revised plans have reduced the basement floor area to account for the reduction in the number of required car parking spaces and has increased the area available to 10.5%. With the basement layout providing two (2) excess parking spaces than required under the Planning Scheme, there is the opportunity to further reduce the floor area of the basement to provide larger areas to sustain planting canopy trees of commensurate height to the scale of the development. This can be provided in the north east corner of the site and will significantly increase the provided area of 27m² without

compromising the layout of the basement. This can be required as condition on permit.

The purpose of a landscaped frontage is to soften the presentation of the development to the street and public realm. In this case the property frontage provides for a double width crossover and the fire, water, gas and electricity services to be located within an enclosure with a height of 1.7 metres. It is considered the proposed 7.2 metre setback from the front boundary will assist in reducing the visibility of the structures but a condition will require these be located deeper within the front setback to be less dominant.

The plans also propose the vertical planting to the elevations and planter boxes at both edges of the access ramp and the pedestrian entrance to the building that will assist with the softening and landscaping of the frontage. A condition will require additional cascading landscaping in the planter boxes on the northern side of the access ramp, allowing the plants to grow down the retaining wall.

Subject to the conditions as discussed the revised plans provide a response envisaged in the objectives of Schedule 6 of the General Residential Zone which seeks:

- *‘To promote the preferred garden city character by minimising hard paving throughout the site by limiting the length and width of accessways and limiting paving within open space areas’*
- *‘To ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees’.*

External Amenity Impacts

Building Height, Bulk and Setbacks

The site is unusual in that it is effectively an island residential property with the adjoining property to the north supporting commercial and industrial use and Carlson Reserve occupying the land to the south and east. Therefore the development will satisfy the external amenity standards of Rescode after considering:

- The shadow diagrams prepared by the applicant for the 22nd September demonstrate that overshadowing from the building will comply with the relevant Standard as the overshadowing assessment in Rescode is limited to impacts on areas of secluded private open space.
- No screening is required to manage overlooking to external adjoining properties as there are no habitable room windows or areas of secluded private open space will be impacted.
- There are no walls on the boundary and no north facing habitable room windows affected.

The most sensitive interface for the design to respond to is the Carlson Avenue Reserve and address the objectives in Clause 21.10 (Open Space). Key strategies are to ensure that open spaces areas:

- *Improve and add variety to open space areas through the addition of playgrounds, exercise and training equipment, community gardens, landscaping, pathways and other components where appropriate.*
- *Protect open space areas from inappropriate development on adjoining and nearby land.*
- *Ensure that all new development contributes towards the maintenance or development of new open space areas that are safe, accessible and vibrant or provides adequate good quality open on site for users of the development.*

Council's Recreation and Open Space Services have raised several issues with the design and its potential impact on the Reserve. Concern is raised that the design of the building will compromise the ability to implement longer term planning for the public space.

The area immediately to the south of the site has been identified as a potential location for a future sensory garden that may be affected by visual impact and overshadowing. However, these issues have been addressed after considering:

- Although winter shadow diagrams are not required to be submitted under the Planning Scheme, shadow diagrams for September show that this particular portion of the Reserve will be affected with shadows to fall over the row of trees between the site and the vehicle access to and from Clayton Road. It is after 2pm that shadow begins to occur to the trafficable part of the car park in the reserve with minimal impacts outside of this area.
- The height and canopy width of the existing trees along both boundaries of the Reserve will mitigate any visual impacts associated with the presentation of the building.

Internal Amenity Impacts

The revised design of the building is considered satisfactory in terms of internal amenity. The apartments will be provided with a communal library area of 40m² at ground floor and access to a generous roof terrace. The arrangement of the apartments allow for cross-ventilation through each of the apartments, and each will have good access to daylight. Apartments have been designed with a high level of sustainable design which has been reflected in the Sustainable Management Plan. Only three (3) of the twenty three (23) apartments are have south facing windows. Living room windows and SPOS areas of these apartments have been provided to either face east or west ensuring the remaining apartments are generally well oriented.

The bedrooms and living areas satisfy the minimum room sizes allowing for access and placement of furniture.

In relation to the secluded open space areas not fully complying with the variation to the Schedule 6, it is considered the areas provided are satisfactory given the site adjoins a large public open space reserve and all areas meet the requirements of Clause 55.07 in terms of size and dimensions and all areas have a connection to the living area. All ground floor areas are in excess of the minimum 15 square metres with a minimum dimension of 3 metres. The balconies at first and second floor satisfy the minimum standard of 8 square metres with a minimum dimension of 1.8 metres in depth. In addition the proposal provides a large roof terrace as communal space as discussed.

Each dwelling is provided with a storage cage/shed within the basement and will satisfy the requirements of the Planning Scheme.

As stated the property adjoining the site at No 34-54 Clayton Road is in the same ownership and application TPA/51900 proposing a major staged commercial development of the site is currently under assessment. It is considered a condition should be required to provide the north facing apartments with acoustic protection in addition to apartments facing Clayton Road being a major road.

Car Parking, traffic and access

The requisite car parking spaces required under Clause 52.06 would be provided as shown in the following table:

	Number of Dwellings	Clause 52.05 requirement	Car Spaces Required	Car Spaces Provided
One and Two bedroom dwelling	23	1 space - one/two bedroom)	23 spaces	25 spaces
Visitor Parking		1 space per 5 dwellings	4 spaces	5 spaces
Total	23 Dwellings		27 Car Spaces	29 Car Spaces

A total of 23 resident car spaces are proposed for residents, plus adequate turning areas to allow all vehicles to enter and exit the basement in a forward direction. A ramp signalling light system is proposed to manage movements into and out of the basement, with vehicles being able to pass at the entry to the site.

The vehicle accessway is 3.6 metres in width, with a 5.5m (w) x 7.5m (l) passing bay at the top of the ramp. This complies with the requirements of the Planning Scheme. Ramp grades and transitions are also compliant.

The proposed crossover is to be located 0.8m from the southern boundary of the site with an overall width of 6m at the property boundary. As the site adjoins a designed main road, splay angles are increased in line with Department of Transport (DoT) requirements. DoT has not objected to the proposal.

The proposed crossover requires the removal of a Council street tree. The 4 metre high “Tristaniopsis” has been reviewed by Council’s Horticultural Services that advise the tree is in good health and there is no arboricultural reason for removal. However, in this case development of the site is constrained by three street trees across the property frontage and this particular tree is unable to be retained due to the site layout.

The traffic report submitted assessed the generation for the proposed development of thirty (30) apartments and was expected to be up to 150 vehicle trips per day. Typically 10% of this traffic is expected to be generated within the AM and PM commuter peak hours, which equates to 15 vehicle trip ends in each peak hour (being 1 vehicle movement every 4 minutes). As the development is now reducing the number of apartments to twenty three (23), any traffic generated will be lower than originally assessed. Therefore it is anticipated that the proposal will not have a detrimental impact on the surrounding road network.

Bicycle parking

Bicycle parking is not required to be provided under Clause 52.34 as the building is less than 4 storeys, however, the proposal provides twenty three (23) spaces for residents (within the basement) and eight (8) spaces for visitors within the front setback. It is considered that the number of visitor spaces in the frontage can be reduced to one bank of four (4) spaces to increase the area for landscaping.

Environmental Conditions on Site

Due to the proposed redevelopment for residential use and the previous industrial use on part of the site, an environmental assessment was required to be provided. The report by Compass Environmental concluded that the soil condition on site is impacted by the presence of minor ‘inert material’ such as brick, ceramic, glass and metal. Although this is identified as likely to have a negligible impact, the issue of management of soil disposal from the site will be required to be addressed as a permit condition.

CONCLUSION:

Apartment development is consistent with relevant urban consolidation and increased density objectives as envisaged by relevant elements of the State and Local Planning Policy Framework. The development of a multi storey apartment is consistent with the objectives of the zone and in keeping with recent approvals and developments in the wider area undergoing considerable change.

The revised plans propose a three storey apartment building and basement car park and provides for a contemporary response. The design allows for a high level of internal amenity and will not result in any unreasonable amenity impacts to adjoining properties including the Carlson Avenue Reserve.

Accordingly, the application should be approved subject to conditions

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2021).

Attachment 3 – Zoning and Overlays Map.